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Q. Enhancement of Penalties

File No. 75/53

Legal Dependent

G **BRANCH**

DRD 2218 **Subject:—**

Opinion under the Enhancement of Penalties Act

File No. Q. Enhancement of Penalties/52

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It appears from the judgment passed by the High Court in Criminal Revision Application No, 1175 of 1951 (copy enclosed) that the question of supersession of the Enhancement of Penalties Act,1947 by the Essential Supplies (Temporary Powers) Amendment Acts, was not raised at all.

The Additional Sessions Judge,Baroda, in Criminal Appeal No.9 of 1951, passed an order of remand, setting aside the order of the Additional Resident Magistrate, First Class,Baroda, in Criminal Case No. 393 of 1950, convicting the accused, on the ground that the said Magistrate was not competent to try the case as he had not been especially empowered under section 3 of the Enhancement of Penalties Act,1947 to pass the enhanced penalties .The Government Pleader, High Court has been directed, under Government Resolution,Legal Department, No.G-187, dated the 1st May 1952 to file a revision application in the High Court agaist the order of remand passed by the Additional Sessions Judge,Baroda.After the High Court disposes of the said revision application, its decision shall be conveyed to the Civil Supplies Department.

Sd/-
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Remembrancer of Legal Affairs.

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L.R. to C.S.D.,No. G-192, dated the 7 th May 1952.